IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 3561 of 1997

Between:

P.Sundaramma D/o P.Chinappa
St. Joseph Girls High school, Near Children Park, Kurnool
Kurnool district

..... PETITIONER

AND

1 The Correspondent,
St. Joseph Girls High school, Kurnool
2 The District Educational Officer, Kurnool
3 Govt of Andhra pradesh rep.by its Secretary, Education Department, Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly a writ of mandamus declaring the action of the respondents in not extending the benefits of G.O.Ms.No.330, Education (H) Department, dated 10/8/93 to the petitioner herein on the ground that she was appointed after 12/3/1982 as illegal, improper, unjust, contrary to law and violative of articles 14&16 of the constitution of India &further direct the respondents to fix the pay of the petitioner as grade- I language Pandit from the date of her appointment with all consequential benefits.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondents: MR.P.RAGHAVENDRA REDDY, G.P. FOR SCHOOL EDUCATION

The Court made the following ORDER:

This writ petition is filed by the petitioner praying for issuance of writ particularly in the nature of *mandamus* declaring the action of the respondents in not extending the benefit of G.O.Ms.No.330, Education (H) Department, dated 10.08.1983 to the petitioner on the ground that she was appointed after 12.03.1982, as illegal, improper, unjust, arbitrary, contrary to law and violative of articles 14 and 16 of the Constitution of India and consequently direct the respondents to fix her pay as Grade-I Language Pandit from the date of her appointment with all consequential benefits.

It is stated that the petitioner passed Hindi Praveena and Pracharak, which are equivalent to B.A., and B.Ed. The petitioner also passed Teacher Training Certificate Course and Sahitya Rathna, which is equivalent to M.A. Thus, according to the petitioner she is fully qualified to hold the post of Grade-I Hindi Pandit. However, she was selected and appointed as Grade-II Hindi Pandit on 16.06.1984 in an aided post. The said appointment was approved by the competent authority and her services were regularized in the said post. While so, the petitioner made an application to the respondents informing that she possess the qualification for being appointed as Grade-I Language Pandit in terms of G.O.Ms.No.330, dated 10.08.1983. However, the respondents did not pass any orders extending the benefit of Grade-I scale to the petitioner. Therefore, the petitioner has come up with the present writ petition.

At the time of hearing, the learned counsel for the petitioner stated that the issue is squarely covered by a judgment of this Court in **P.Chandra Sekhar Naidu and others *v.* Correspondent, SSRO Upper Primary School, Srikalahasthi and others** in which the cut off date fixed for extension of the benefit as 11.03.1982 was set aside. In view of the said order, Grade-II Language Pandits appointed even subsequent to the said date, possessing the qualifications are entitled for the scale

of pay, as Grade-I Language Pandits. Therefore, the petitioner is entitled for the benefit of G.O.Ms.No.330, dated 10.08.1983 in order to get the extended benefit of Grade-I scales.

Though this writ petition was filed in the year 1997, no counter-affidavit has been filed on behalf of the respondents.

In view of the judgment of the Division Bench of this Court referred to above, the petitioner is entitled for the extension of the benefit of Grade-I scales.

The writ petition is accordingly allowed directing the respondents to extend the benefit of Grade-I scales to the petitioner if she possesses the said qualification. The respondents are further directed to implement the same within a period of three months from the date of receipt of a copy of this order. No costs.

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S. Ananda Reddy,J

Date: 17.09.2004

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the Seventeenth day of September, Two Thousand and Four.

To

1 The District Educational Officer, Kurnool
2 Govt of Andhra pradesh rep.by its Secretary, Education Department, Secretariat, Hyderabad

3 Two CCs to G.P for School Education, High Court of A.P. Buildings, Hyderabad (OUT)

4 Two CD Copies